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8 Lead Counsel for Plaintiffs

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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 MARK STOYAS and NEW  
ENGLAND TEAMSTERS &  
13 TRUCKING INDUSTRY PENSION  
FUND,

14 Plaintiffs,

15 and

16 AUTOMOTIVE INDUSTRIES  
17 PENSION TRUST FUND, Individually  
and on Behalf of All Others Similarly  
18 Situated,

19 Lead Plaintiff,

20 vs.

21 TOSHIBA CORPORATION,

22 Defendant.

Case No. 2:15-cv-04194-DDP(JCx)

CLASS ACTION

JOINT STIPULATION FOR AN  
ORDER ESTABLISHING A  
BRIEFING SCHEDULE AND  
EXTENDING THE PAGE LIMITS  
FOR THE ANTICIPATED MOTION  
FOR CLASS CERTIFICATION



1 WHEREAS, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure  
2 “[w]hen an act may or must be done within a specified time, the court may, for good  
3 cause, extend the time”;

4 WHEREAS, pursuant to Local Rule 7-9, a party opposing a motion, other than  
5 a motion for new trial, has “twenty-one (21) days before the date designated for the  
6 hearing of the motion” to serve and file an opposition brief;

7 WHEREAS, pursuant to Local Rule 7-10, the moving party “not later than  
8 fourteen (14) days before the date designated for the hearing of the motion” may serve  
9 and file a reply memorandum;

10 WHEREAS, pursuant to Local Rule 11-6, no “pre-trial brief . . . shall exceed 25  
11 pages in length, excluding indices and exhibits, unless permitted by order of the  
12 judge” and Judge Pregerson’s Procedure IV also states that “Memoranda of Points and  
13 Authorities in support of or in opposition to a motion shall not exceed 25 pages”;

14 WHEREAS, the Parties agree that an extension of time for Toshiba to file a  
15 response to the motion for class certification and for Plaintiffs to file a reply  
16 memorandum is necessary to allow sufficient time for discovery relating to the motion  
17 for class certification, including, potentially, depositions and the preparation of expert  
18 submissions;

19 WHEREAS, the Parties also agree that an extension of page limits is necessary  
20 because of the anticipated numerous questions of law and fact that the Parties,  
21 respectively, will need to address in connection with class certification;

22 WHEREAS, for good cause and promoting the efficiency of these proceedings,  
23 the Parties have met and conferred and have agreed, subject to the approval of the  
24 Court, to: (a) set a briefing schedule for Plaintiffs’ anticipated motion for class  
25 certification; and (b) extend the page limits for the Parties’ respective filings;

26 WHEREAS, the Parties have not previously sought or obtained an order  
27 seeking an extension of time to set a briefing schedule for the anticipated motion for  
28 class certification or to extend the page limits for the Parties’ respective filings:

1 NOW THEREFORE, the Parties hereby stipulate and agree, subject to approval  
2 by the Court, that:

3 1. Plaintiffs shall file their motion for class certification, not exceeding 30  
4 pages in length (excluding indices and exhibits), in accordance with the time frame set  
5 forth in Local Rule 7-3;

6 2. Defendant Toshiba shall have 90 days after the motion for class  
7 certification is filed to file a response or responses, not exceeding 40 pages in total  
8 length (excluding indices and exhibits);

9 3. Plaintiffs shall have 56 days after the filing of Toshiba's response or  
10 responses to file a reply memorandum, not exceeding 35 pages in total length  
11 (excluding indices and exhibits); and

12 4. Plaintiffs shall notice their motion for class certification designating a  
13 "Motion Day," in accordance with Local Rules 6-1, 7-4 and this Court's individual  
14 procedures, no sooner than 14 days after the scheduled filing of their reply  
15 memorandum consistent with this stipulation.

16 IT IS FURTHER STIPULATED AND AGREED that this stipulation and  
17 agreement is without prejudice to the right of any Party to seek, subject to approval by  
18 the Court, any additional reasonable extensions to the deadlines set forth herein, and  
19 that neither Party shall unreasonably refuse to consent to such reasonable extensions  
20 as may be requested hereafter.

21 DATED: February 9, 2021

ROBBINS GELLER RUDMAN  
& DOWD LLP  
MATTHEW I. ALPERT  
PATTON L. JOHNSON

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25 s/ Matthew I. Alpert  
26 MATTHEW I. ALPERT  
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Lead Counsel for Plaintiffs

DATED: February 9, 2021

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**Certificate Pursuant to Local Rule 5-4.3.4(a)(2)(i)**

I, Matthew I. Alpert, am the ECF User whose ID and password are being used to file this Stipulation Regarding Protective Order. In compliance with Civil L.R. 5-4.3.4(a)(2)(i), I hereby attest that Bryan A. Merryman has concurred in this filing.

s/ Matthew I. Alpert  
MATTHEW I. ALPERT

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 9, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Matthew I. Alpert

MATTHEW I. ALPERT

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## Mailing Information for a Case 2:15-cv-04194-DDP-JC Mark Stoyas v. Toshiba Corporation et al

### Electronic Mail Notice List

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)